

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

STATE OF KANSAS, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Case No. 24-cv-150-DMT-CRH

DECLARATION OF KATHERINE LOTSPEICH

I, Katherine Lotspeich, pursuant to 28 U.S.C. § 1746, do hereby declare that the following is true and correct to the best of my understanding and belief:

1. I am Chief of the Office of Performance and Quality (OPQ) within U.S. Citizenship and Immigration Services (USCIS), a component agency the Department of Homeland Security (DHS).
2. As Chief of OPQ, I am responsible for oversight and management in producing data and operational analyses to senior USCIS decision-makers in order to promote effective and efficient decision-making, and in responding to immigration data requests from key stakeholders including Congress, DHS, other government agencies, researchers, and the general public.
3. I have been Chief of OPQ since September 2020. Immediately prior to becoming chief, I served as the Deputy Chief of OPQ beginning July 2018 and until September 2020.
4. I make this Declaration based on my personal knowledge, upon information provided to me in my official capacity, and review of official documents and records maintained by USCIS.

5. OPQ queried the USCIS Electronic Immigration System (ELIS) to identify active DACA recipients in North Dakota. I have reviewed the resulting data report.
6. The date of birth information available in ELIS for such individuals reflects that the youngest active DACA recipient in North Dakota was 22 years old as of the date the system was queried on October 17, 2024.
7. USCIS is prohibited by 8 U.S.C. § 1367(a)(2) from permitting use by or disclosure to anyone, other than a sworn officer or employee of the Department of Justice, the Department of Homeland Security, or the Department of State (including any bureau or agency thereof, for legitimate Department or agency purposes) of any information which relates to a noncitizen who is the beneficiary of an application for T nonimmigrant status, U nonimmigrant status, or protection under the Violence Against Women Act, unless certain limited exceptions apply at 8 U.S.C. § 1367(b). No such exceptions are applicable here. Accordingly, if required to produce a data report on the names and addresses of DACA recipients in North Dakota, USCIS would be prohibited by 8 U.S.C. § 1367 from disclosing to Plaintiff North Dakota and to the court any information about two DACA recipients in North Dakota.

Executed this 24th day of October, 2024.

KATHERINE J LOTSPEICH  Digitally signed by
KATHERINE J LOTSPEICH
Date: 2024.10.24
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KATHERINE LOTSPEICH
Chief of the Office of Performance and Quality
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security